(4)

IN THE HIGH COURT OF JUDICATURE AT JABALPUR

W.P.No. 1688 of 98

PETITIONERS : 1. T.S.Haripal son of Shri G.S. Haripal, aged about 38 years, R/O Qr.No. B-801, Block III, Yamuna Vihar, Jamunapali, Korba, Bilaspur.

2. P.L.Kaumarya S/O late J.R. Kaumarya, aged about 40 years, R/O Qr.No.B-860, Block III, Yamuna Vihar, Jamunapali, Korba, Bilaspur.

3. A.Kujur S/O Shri Stanislas Kujur, aged about 37 years, R/O Qr.No.B-872, Block III, Kaveri Vihar, Jamunapali, Korba, Bilaspur.

4. A.Minj son of late Joseph Minj, aged about 45 years, R/O Kaveri Vihar Qr.No. B-855, Jamunapali, Korba, Bilaspur.

5. T.Toppo son of late John Toppo, aged about 44 years, R/o Qr.No. 1467 , Krishna Vihar, Korba, Bilaspur.

6. Victor Toppo son of Shri Pataras Toppo, aged about 41 years, R/o Qr. No. 1348 Krishna Vihar, Jamunapali, Korba, Bilaspur.

7. S.L.Thakur son of Shri Laxaman Singh, aged about 42 years, R/O Qr. No. B-925, Kaveri Vihar, Jamunapali, Korba, Bilaspur.

8. T.R.Netam son of N.R.Netam, aged about 40 years, R/o Qr.No. B-722, Block II, Yamuna Vihar, Jamunapali, Korba, Bilaspur.

9. P.S.Maravi son of Shri Mole Singh

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Smt. Kamla Verma Oath Commissioner JBP.

9. P.S.Maravi son of Shri Mele Singh , aged about 40 years, R/O Qr. No. B-1000, Kaveri Vihar, Jamnipali,Korba, Distt. Bilaspur.

10. Pascal Ekka son of Shri S.Ekka, aged abour 40 years, R/O Qr.No. B-1350, Krishna Vihar, Jamnipali, Korba, Distt. Bilaspur.

11. Habil Lakra son of late Soma Lakra, aged about 38 years, R/o Qr. No. B-536, Block IV, Yamuna Vihar, Jamnipali, Korba, Distt. Bilaspur.

VERSUS

RESPONDENTS :

1. The National Thermal Power Corporation Ltd. , A Government of India Undertaking , Through The Managing Director, Nehru Palace, New Delhi.
2. Korba Supper Thermal Power Project, (N.T.P.C.) Korba, Through The General Manager, Korba, Bilaspur.
3. P.L.Kherewar, Employee No. 24706, N.T.P.C. Korba, Bilaspur.
4. R.P.Kashyap, Employee No. 24693, N.T.P.C. Korba, Bilaspur.
5. V.K.Toppo, Employee No. 24690, N.T.P.C. Korba, Bilaspur.
6. I.S.Dhruve, Employee No. 24691, N.T.P.C. Korba, Bilaspur.
7. J.R.Ram, Employee No. 24692,

Smt. Kamla Verma K. Verma Oath Commissioner JBP.

(6)

N.T.P.C. Korba, Bilaspur.

8. D.R.Thakur, Employee No. 24705,
N.T.P.C. Korba, Bilaspur.

WRIT PETITION UNDER ART. 226 / 227 OF THE CONSTITUTION OF INDIA

(59)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No.1688/1998

(Single Bench : Hon'ble Shri Satish Agnihotri, J.)

Petitioners: T. S. Haripal & others.

Versus

Respondents: The National Thermal Power Corporation, New Delhi & others.

ORAL ORDER

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No.1688/1998

(Single Bench : Hon'ble Shri Satish Agnihotri, J.)

Petitioners: T. S. Haripal & others.

Versus

Respondents: The National Thermal Power Corporation, New Delhi & others.

Present: Shri B.L. Dembra, Counsel for the petitioners.

Shri Abhishek Sinha, Counsel for the respondents No.1 & 2.

ORAL ORDER

(Passed on 22.12.2005)

Heard learned counsel for the parties.

2. The petitioners were working as Technician Grade-II (W-6) with the respondent No.1-National Thermal Power Corporation Limited at Korba. The petitioners became due for promotion from Technician Grade-II (W-6) to Technician Grade-I (W-7). The petitioners were not considered for promotion in view of lack of required qualification in the Area/Trade-Maintenance (O & M) section. The required qualification was that Welder, for promotion to W-7 upto W-10, should possess valid High Pressure Welder Certificate (H.P.W.C.). Admittedly, the petitioners did not possess valid H.P.W.C. For promotion in Area/Trade-Operation (O & M) section from Operator Grade-II (W-6) to Operator Grade-I (W-7) and onwards, there was no such requirement of possession of valid H.P.W.C. Respondents No.3 to 8 who were working as Operator Grade-II (W-6) in Area/Trade-Operation (O & M), were considered for promotion to Operator Grade-I (W-7) and promoted accordingly.

3. The petitioners have filed this petition seeking relief that respondents No.1 & 2 be directed to give promotion to the petitioners

over the respondents No.3 to 8 with all consequential benefits. Admittedly, the petitioners did not possess the required qualification i.e. High Pressure Welder Certificate for consideration for promotion to Technician Grade-I (W-7) and the other respondents No.3 to 8, who were working in other Area/Trade i.e. Operation were promoted to higher posts i.e. Operator Grade-1 (W-7), were not required to have the same qualification.

4. In view of the foregoing, there is no justified reason to grant any relief, as prayed for by the petitioners. The petitioners and the respondents No.3 to 8 are not similarly situated and not working in the same Area/Trade.

5. Learned counsel for the petitioners has no other arguments except that the respondents No.3 to 8, who were working in Operator Grade-II (W-6), have been promoted to Operator Grade-II (W-7) without possessing valid H.P.W.C. The contention of the learned counsel for the petitioners is without any foundation and the same deserves to be rejected.

6. It was further pointed out by the learned counsel for the petitioners that in the year 1998, the qualification as required in the year 1994-95 i.e. possessing High Pressure Welder Certificate has been dispensed with. The petitioners have not claimed any relief to the said effect. The petitioners are at liberty to raise the issue as and when necessary and if so advised, in appropriate proceedings.

7. For the reasons stated above, the petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Anjani